



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,573	03/22/2004	Anat Blumenfeld	13572-105040US5	2196
65989	7590	07/31/2008		
KING & SPALDING 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036-4003				
EXAMINER				
MYERS, CARLA J				
ART UNIT		PAPER NUMBER		
1634				
NOTIFICATION DATE		DELIVERY MODE		
07/31/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomailnyc@kslaw.com

Art Unit: 1634

ATTACHMENT TO ADVISORY:

Continuation of Box 3:

The proposed amendments filed after final rejection will not be entered because the amendments raise new issues that would require further search and consideration. New claims 34 and 35 have been added which are directed to a method for predicting the transmission or development of familial dysautonomia (FD) in a human subject comprising determining whether a polymorphism selected from the group consisting of D9S59, D9S53, D9S58, D9S105, D9S309, D9S310, D9S172, D9S174 and D9S127 is present on chromosome 9 of said subject, wherein the presence of said polymorphism is predictive of the transmission or development of FD, and predicting for said subject the transmission or development of FD based on the presence or absence of said polymorphism. The claims were previously drawn to a method for detecting the presence of a polymorphism. The claims did not previously require predicting the transmission or development of FD by assaying for the specifically recited polymorphisms. Further, regarding claim 35, the claims did not previously require predicting the transmission or development of FD in a subject that is of Ashkenazi Jewish descent. Thereby, the amendment raises new issues under 35 USC 112 first paragraph and under 35 USC 102/103 that would require further search and consideration.

Continuation of Box 11.

The request for reconsideration has been considered but does not place the application in condition for allowance in view of the non-entry of the after final

amendment of June 27, 2008. Applicants arguments are directed to the claims as amended in the reply of June 27, 2008. Since this amendment has not been entered, the arguments regarding the claims as amended are not persuasive.

Information Disclosure Statement

The information disclosure statement filed January 18, 2008 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered. It is noted that the transmittal papers filed with the IDS on January 18, 2008 indicate that the IDS is being filed before the mailing of a final action or a notice of allowance. However, a final rejection was mailed on December 27, 2007. Thereby, the IDS was submitted after the mailing of a final rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carla Myers whose telephone number is 571-272-0747. The examiner can normally be reached on Monday-Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carla Myers/

Primary Examiner, Art Unit 1634